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A L A W C O R P O R A T I O N

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September 30, 2011

Transmitted Via Hand Delivery and Email [rrhattorneys@yahoo.com]

Robin R. Horner, Esq.
RRH & ASSOCIATES
735 Bishop Street, #410
Honolulu, HI 96813

Re: Marc Dagupion v. Green Tree Servicing, LLC, et al. – USDC Case No. 11-00120 SOM-KSC

Dear Mr. Horner:

As you are well aware, my office represents PNC BANK, NATIONAL ASSOCIATION (“PNC”), successor by merger to National City Mortgage, a division of National City Bank (incorrectly named in the complaint as National City Mortgage Co.), in the above entitled case. We understand from your client’s (“Dagupion”) Memorandum in Opposition to Defendant Greentree Servicing, LLC’s Motion to Dismiss First Amended Complaint (“FAC”), filed September 9, 2011, and Dagupion’s Motion for Leave to File Second Amended Complaint, filed September 29, 2011, that you are seeking to file yet another amended complaint.

For the reasons stated in PNC’s Rule 11 letter, dated September 7, 2011, and the proposed Motion for Sanctions enclosed therein, which was served on you on September 7, 2011, and is being filed with the Court today, PNC does not believe that Dagupion’s proposed Second Amended Complaint (“SAC”) is any more adequate than the FAC. Quite simply, the SAC still does not meet the minimal pleading standards under Rule 9 and 12(b)(6) of the Federal Rules of Civil Procedure (“FRCP”), cannot overcome the applicable statute of limitations defenses, and/or cannot show sufficient factual and legal support for the claims made therein.

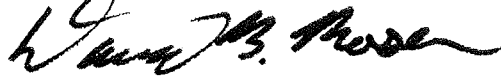
If, however, your client still wishes to pursue the filing of the SAC against PNC, PNC would be willing to stipulate to such filing *if* your client: (1) immediately dismisses the FAC as to PNC; and (2) agrees to reimburse PNC for its attorneys’ fees and costs to date in having to answer and otherwise respond/object to the original Complaint and FAC, which you now admit were both deficient.

This request is made to: (1) avoid the unnecessary expense of PNC having to proceed with a dispositive motion to address the FAC, which, while dismissed as to Green Tree, is still pending against PNC and the other named defendants; and (2) recover prior unnecessary expense incurred in having to address Dagupion’s prior complaints.

EXHIBIT B

Please let me know **no later than 5 p.m. on October 5, 2011** (i.e., the day before Mr. Dagupion's deposition is scheduled to be conducted) whether what is proposed above is agreeable to you and your client. If I do not hear from you by that date, my client will proceed with having its Motion for Sanctions heard and seeking additional sanctions against you and Mr. Dagupion for the filing of the SAC.

Sincerely,

A handwritten signature in black ink, appearing to read "David B. Rosen", written in a cursive style.

David B. Rosen

cc: Client (via e-mail)
All counsel (via e-mail)